Massachusetts Election.

BOSTON, NOVEMBER 13, P. M.-We have returns from the whole State, except a few towns. The vote for Governor stands: Briggs [Whig] 49,092, Boutwell [Democrat] 28,069, Phillips [Free Soil] 23,252. Briggs falls short of an election by the people 1200

There is a Whig gain in the House. Their majority is about 100.

In the Fifth Congressional District, Palfrey [Free Soil] is defeated, there being no choice. Boston City gives 3200 Whig majority.

New York Election.

NEW YORK, Nov. 13, P. M .- The Whigs have 1800 majority on the State ticket. It is thought there will be a tie in the Senate, and one majority in the House. A couple of days will settle the matter. The most distinguished divines of the M. E. Church. vote is close all around.

Wisconsin Election.

sublimity:

"On the 18th of April, the eighth day of their voy-

age on the Jordan, the expedition emerged into the

it was barvest-time, and the swellings of the Jordan

were struck; each tribe marshalled under its own

spent in the terrible wilderness which borders the

plain of Jericho to the west, and, lifting his hand on

them to be baptized in the Jordan, as a symbol of this

river; and the streets of Jerusalem became silent, be-

cause in penitence and hope the inhabitants had gone

down to be baptized. Suddenly the Baptist paused

in his holy work; and, agitated and silent, he stood

looking intently on a meek but heavenly form that

was approaching for baptism. John recoiled from

the holy and mysterious person, and forbade him, say-

thou to me? And Jesus said, Suffer it to be so now:

for thus it becometh us to fulfil all righteousness."

Nearly two thousand years have rolled away since

April of each year, a vast crowd of men, women,

the backs of camels. As the gay cortege of the Turk

bathe to-morrow morning in the Jordan, where the

vance, in eager disorder, to the margin of the river.

The lasty swimmer leaps into the sacred flood-the

timid female seizes the branch of a willow tree, and

Scarcely two hours have elapsed, and the vast mul-

DISUNION CONVENTION IN MISSISSIPPI .- A conven-

as in that event, will make it the duty, as it is the

It also records a Convention of the slaveholding

It had better pass laws giving a bounty on the ex-portation of slaves to the Pacific.—National Era.

nestic institutions."

titude is retracing its steps across the sandy plain,

high, he cried to his guilty countrymen, "Repent ve,

Dewey [Dem.] is re-elected Governor. The Democrats have carried every thing.

One of the smallest outrages of Taylor's small plain of Jericho, with the Mountains of Moab on potato administration, is the duplicate advertisement their left, the terrible wilderness of Judea on their of the "list of letters," remaining in post offices at right, and the Dead Sea before them. They encampstated times, in certain places. This is done at Pittsborgh, Louisville, and perhaps other places. The ob- ful engraving illustrates this interesting scene. Let ject is to furnish pap to a greater number of whig pa- us take our stand on the bank, where the pilgrim host pers than would otherwise get spoons into the public is seen descending to the water, while the American dish. At Louisville, for some reason or other, the boats, with their crews, are anchored in the stream. list was first given to the Courier, under the laws requiring it to be given to the paper having the largest the Mountains of Moab, seen beyond the river, the circulation in the vicinity of the post office. Whether hosts of Israel appeared more than three thousand this was right or not, we are not able to say. The years ago, under the conduct of Moses and Joshua. postmaster there, as at Indianapolis, might have re- Upon one of these perceptible summits stood Moses fused to put any construction upon the indefinite verbiage of the law, -leaving each publisher to construe to Abraham, unto Isaac, and unto Jacob, saying, I it for himself. If so, the probable result was there, will give it unto thy seed: I have caused thee to see as it was here,-the publisher having the most elastic it with thine eyes, but thou shalt not go over thithconscience, would construe the law most liberally for his own interest, and swear accordingly. Be this as the plains of Moab," by the side of the river. He it may, the list was given to the Louisville Courier, gazed for a moment, sad, yet full of hope and resigas above stated, and the Louisville Journal, being nation, and then died in peace over against the Prom somewhat "under the weather," in various ways, ised Land. For him, during thirty days, the sighing made a fuss about it; and the post office Department the morning, were heard along the banks of the river. at Washington, in order to escape its abuse, ordered The time of possession had come: God had conductthe list of letters to be published in the Journal also, ed the people to the gate of their future home. But as well as in the Courier.

Now this is a small swindle, and would be hardly were at their height. (Joshua iii. 15.) As the day worth talking about, if the money was gouged from dawned the whole camp was in motion; the tents the post office treasury, so that every body would be banner; while at the edge of the rushing flood stood taxed alike, to make up the beggarly fund necessary Joshua, pointing with the "rod of God" to the spot to keep the breath of life in the Louisville Journal's where the advancing priests, bearing the ark, were to nasty carcass. But this is not the case as we under- step into the water. With unwavering tread they stand. The extra advertising is charged to the owners of the letters: and thus a letter, for instance, from high wall above them, while below it rolled away to Cincinnati, is taxed five cents for postage and four the Dead Sea, laying bare the deep bed of the river. cents for advertising. Nor is this all. The whig pa- Here the ark of God rested on the bottom until the pers are so hungry after the tuppenny fees for advertising, and the Taylor postmaster is so much more in grims are seen in the foreground of the picture. As their interest than he is in that of the public, that he the ark came up from beneath the wall of water, the is suspected of holding back letters which are enquired floods returned. Then the air was rent with a shout for, until after they are advertised, so as to secure the of triumph which startled the city of Jericho at hand, "black mail" to the two whig papers. So we are asMore than a thousand years passed away, when on sured by a most respectable whig recently from Louis-this same spot appeared an austere man, of command-ville, who related to us facts and circumstances which ing form and powerful voice, whose life had been

We hope that Congress will look into the business, important, because it is veay annoying to citizens, in for the kindom of heaven is at hand." He required other places no doubt, as well as at Louisville.

There are some other features in the postage laws kingdom. The pungent reproofs, and the earnest which need reforming, which we shall indicate here- faith of the Baptist, drew the whole country to the

Triumph Of Democracy and Law! CINCINNATI, Nov. 12 .- The Hamilton court of common pleas gave its decision to-day in the case of Broadwell and Ruffin vs. Roll, the county clerk. It was an application to dismiss Roll for giving certificates of election to the Democratic Representatives ing, I have need to be baptized of thee, and comest from this county. The court decided (Judge Saffin

in the matter. The complainants could seek redress The vast multitude breathed not, as these two mysteby an appeal to the Legislature, the proper tribunal rious beings descended into the water. As the sacred to decide it. No proof has been offered to show that person of Jesus ascended from the river, a mild illu-Mr. Roll had acted corruptly in the discharge of his duty, but, on the contrary, it had been admitted that he had acted conscientiously, and could not have done otherwise than to give the certificates to the persons otherwise than to give the certificates to the persons who received the highest number of votes as certified whom I am well pleased: hear ye him " by the judges of the election. The case was dismissed and Mr. Roll declared not guilty. The opinion was felt throughout the Christian world. By the 15th of

delivered by Judge Hart. This knocks the sand from under the rebellious whig and children, from Europe, Asia, Africa, and Amerimanagers in fine style. It crushes one of their at- en, are assembled in Jerusalem. As the morning tempts to ruin a man, because he had nerve enough dawns on Mount Olivet, the Mohammedan governor to do his duty, in defiance of their threats. This is a of the city, with an imposing military brigade, is condemnation of whig politicians, by whig judges! seen deploying through the Damascus gate, while the

We would like to ask the Sentinel why it said, "we camels, some on donkeys, are assembled outside of are not at all surprised at the objections thus raised St. Stephen's gate: the aged and sick, the women and by the Express." Do you think us less benevolent children, are in baskets or large panniers slung over than all others !- Wabash Express.

We said so because it was true. We did not think winds round the western and southern slope of Olivet. the Express less benevolent than all others, and that follows in his train for protection. At eventide they was the reason we qualified our remarks at the time. are on the plains of Jericho, about a mile from the We have no disposition to accuse the Express unjust- Jordan. The gay tent of the governor is the centre ly. We have no doubt of the honesty of his intentions, in of the thousand groups which, under the open heavly. We have no doubt of the honesty of his intentions, in regard to a State orphan asylum; and just as little that die out as the night advances, but sleep comes not to he has condemned the mere abstract proposition too the weary and excited multitudes; for they are to

By the way, we do not consider that our approval Lord of life and glory was baptized. At three o'clock, of the general sentiments of a correspondent, should A. M., the camp is in motion, and the columns admake us responsible for all his arguments.

CALIFORNIA-SLAVERY PROHIBITED. - The "Em- lets herself down three times beneath the water-the pire City" recently arrived at New York from Cali- feeble old man's step is steadied by his brawny son. fornia. Despatches by telegraph state that she brings and as he comes up from the stream he feels that be news that the constitutional convention "had decided is content, for the purposes of his life are accomplishby a unanimous vote that no slavery shall ever be first of horror, and then of joy, runs through the mulpermitted in California." This is as we expected, if titude. The rapid current has carried away a pilthe people were not overruled by the intrigues of grim; and she finds an enviable burial in the holy Southern Taylor agents, with Butler King at their river.

Mr. John F. Read, son of the Hon. James G., bearing on high branches of willow, acacia, or cane, unced as a candidate for State Agent. Mr. which they have plucked from the banks and dipped into the sacred waters. An hour more, and the rear R. has always been a true and thorough-going demo- portions of that wonderful throng have disappeared crat, and is highly spoken of by those acquainted high up in the dark craggy mountains of the wilder-

Don't go WITHOUT THE WOMEN!—A letter from the tomb of the blessed Virgin—in the valley of the California says that emigrants should take their wives

"Them injin wimmin is shiftless creeture, and if you hire one to keep your things decent, she only louis around while yu're hard at work, pick in hand, persons were present from thirty counties in the State, puttin' in for the yaller boys. To be shoore there which contains some sixty counties. The Convention aint no fether bed that except the bed of Fether river, resolved that the passage of the Wilmot Proviso, or and the wife of your buzzum would have to sleep on any law abolishing slavery in the District of Columa buffalow robe, but she woodent mind the skin, with bia, would be "such a breach of the Federal compact. a lovin' husband to share it with her.

'The world was ead, the garding yards run wild, And man, oneasy, sithed till wommun smiled." And man, ones-y, sithed till wommun smited." own safety, and to treat the non-slaveholding States We sympathise with that unfortunate individual, as enemies to the slaveholding States and their de-

very keenly, we do. NAVAL .- U. S. frigate Independence, (60) Capt. States at Nashville, Tennessee, on the first Monday of Blake, and Cumberland, (54) Commodore Morgan, June nex, to consult upon the crisis, &c. The following re-olution is the queerest one of the batch

were at Naples on the 7th ult. The U. S. brig Dol passed by these sixty-nine individuals: phin was at Macao June 11th. "That the Legislature is hereby requested to pass such laws as may, in their opinion, be best calculated to encourage the emigration of civizens of the slave-Charles C. Hineline, Esq., formerly editor of the New Albany Democrat, has been nominated for the holding States, with slaves, to the new Territory of Legislature in Camden county, N. J. Success to the United States."

THE BEST THING YET.—Bricks made of glass are now used in London in the construction of buildings, for the purpose of introducing light without lessening gas works—the former at an expense of \$130,000; the strength of the walls.

Indiana State Sentinel.

Published every Thursday. 7 INDIANAPOLIS, NOVEMBER 22, 1849.

An Eloquent Passage. TRIAL FOR MURDER.

The Methodist Quarterly Review for Oct. 1849, MARION CIRCUIT COURT.) contains a very interesting article, reviewing the November 7th, 1849. "Narrative of the United States Expedition to the STATE vs. MERRITT YOUNG. River Jordan and the Dead Sea, by W. F. LYNCH, Second Day. U. S. N., Commander of the Expedition." This article is from the eloquent and able pen of the Rev. Dr. Durbin, who is justly accounted to be one of the

Court met pursuant to adjournment; and he proceedings the previous day were read and approved. Wm. Stuck was brought into Court by proce-s issued by the Court on yesterday; and after examination, was fined two dollars and costs for not answering a prior summons Those who do not see the Quarterly, will thank us for this extract; teeming as it does in poetry and

Court met pur-uant to adjournment, and the completion of the jury resumed. After examination, the following genthe july resumed. Attended the july. Wm. T. Curd. Peter Canine, Frederick Hartsell, David Ray, Abel Catterson, Clement Peery, W. D. Starkey, David Snyder, Hicam Wright, Lewis L Brown, Lewis Tylyer. The following gentlemen were set aside for set opposite their names. W. Y. Wiley, set aside for cause. John Belcher, set aside for cause. S. W. Norris, set aside for cause. S. J. Patterson, set aside for cause. Robert Tucker, set aside for cause.

James Charry, peremptory challenge. Jacob Smock, peremptory challenge. Gen. R. Hanna, set aside by Court." Thomas Morrow, peremptory challenge. P. Sponable, peremptory challenge. Wm. Lightfoot, peremptory challenge. Jonathan Cowges, peremptory challenge. Richard Gilbert, set aside for cause. Henry B. Goodhue, peremptory challenge. Wm. Culbertson, peremptory challenge. D Z. Ellis, set aside for cause. Daniel Pursell, peremptory challenge. Benjamin Arnold, set aside by Prosecution. Henry Brenneman, per, challenge by Deft. Eli Wilson, per challenge by Deft. Samuel McLaughlin, per challenge by Deft. Joseph Johnson, per. challenge by Deft. Lot Ragan, set aside by Prosecution. George Carr, per. challenge. Charles Moore, set aside by Prosecutor. Jacob Glazier, set aside by Prosecutor. Garrett Snodgrass, set aside for cause. Charles Armstrong, peremptory challenge. James Hensley, set a-ide for cause. Richard Berry, set aside for cause. Henry Ohr, set aside for cause

Adam Haugh, peremptory challenge. W. V. Starkey, set aside for cause. Morris Howland, peremptory challenge. Harvey Bates, set aside for cause. Thomas Johnson, set asite by Prosecution. Joel Kemper, peremptory challenge. Willis Pruett, set aside for cause. John McMahan was discharged by reason of sickness We do not deem it necessary to publish the examination

of the witnesses in full, as it would occupy too much room, and have no especial bearing on the case. " For cause " may be generally understood to mean the formation and expression of opinions, &c. Peremptory challenges are understood

The Jury were eloquently addressed by the Court, placed in charge of officers, and the Court adjourned to Thursday used his right arm; he stood his back to me when he morning, 9 o'clock,

THURSDAY MORNING, Nov. 8. Court met punctually. Proceedings of the previous day were read, corrected and approved. The witnesses for the State were then called and swoon. Also, for the Defence. The case was then opened at quarter past 10 o'clock, by Hon. D Wallace, Prosecutor for the State. The indictment being first read, and the law applicable to the case read, and fully explained as to the finding of a verdict,—whether guilty of murder in the first degree or second degree, and manslaughter, and their various penalties stated in a short but

Mrs. Elizabeth Crosby .- Was at church on the night of the morder. On her return, before church was out, she saw fours for any distance; did not hear any thing said two men, but did not know them. They were near the corthere was but one person near him at the time he fell ner of Drake's hotel, and near a store door. There was a when the person made the pass, that person walkstore box near, and one of the men was standing against the building, the other on the outside of the box. Heard one of feet from the fallen man when he rose to his feet; one, them, the one standing next to the store, remark, "God who appeared to be Bishop afterwards, was coming to damn you, I will be in that fight." Saw nothing in the hands of either; did not notice particularly in this respectThinks one was taller than the other. The smaller one who made the remark, " God damn you," &c:, was the one standing against the store. Did not look back till I had passed, when hearing the sound of a board falling, I did so, and saw a hat fall from a man's head. Did not see any other person. Miss Reagan was with me. Crossed over to Mr. Reagan's -heard there that the man was dead, and then went home. Saw a man run to the street and fall, and thought I heard one man groun. It was after the man fell a second time, that I heard the groan. Saw a man running after the falling who made the pass commence running after him; there man, when he appeared to fall on the man that was down. were several persons around when he fell; was watchto stoop, and they apparently got up, and the first fallen one run over towards Browning's. Was coming from Wesley Chapet. Was coming east. Did not run over towards Browning east. run over towards Browning's. Was coming from Wesley dant is the person whom Bishop arrested; they broke Chapel. Was coming east. Did not notice the persons till I loose from Bishop on this [the north] side of the street; was close to them. Did not notice their talk till I heard the and Bishop crossed over and took the other person; he exclamation, " God damn," &c. Heard the board fall. Looked around and saw the hat fail off the man. Thinks they directions they were running, that the person endeavored were then not far from the same place where the transaction to cut deceased off or head him; they ran towards the

Cross-Examined.—Was coming from church in company with Sophia Reagan. No gentleman was with us. Was frightened after I saw they were fighting. There appeared to be a store bux between them. Light made to be a store bux between them. to be a store box between them. Lights were burning Saw the smaller man raise his hand. Not much acquainted then with the streets, but crossed at the first corner. Was not up to the corner at the time I looked back. Was much frightened the followed deceased as he rose, he ran; am from Cinwhen I learned there was a fight. When I looked back, it cinnati; have been here a little over a year; a year ago was when I heard the crack of a board. It was light enough the last 14th of July, about half past one o'clock, P. M. to see. Thinks it possible that two men might have follow- I landed here with my goods and chattels.

ed into the street, side by side, sides being towards me.

Direct Resumed —Did not take notice of any other person on the opposite side of the street. Did not think there was but one man in answer to cross-cramination as to the north but one man, [in answer to cross-examination, as to the prob- a straw or hair, between any of us. a tility of there being two side by side.] Thinks it was beof place, &c., was conceded on both sides.] Robert Ware .- [The Court was detained by this witness

absenting himself, and declared his recognizance forfeited-\$200. He was sent for, and after a delay of 17 minutes, he Heard considerable racket. Saw three men, the middle one church was out; noticed the circumstances particularly, apparently holding the others. Heard the board fall. Supposed it to be the sound of a pine board, 6 or 8 inches wide, subject of leaving church before the close of the services and four or five feet long. Has not seen the board in ques- could not say how near the parties sat together; first saw tion. When hearing the noise, apparently of a scuffle, made towards the direction of the noise. Saw the three men in the direction of Drake's Hotel. They were on the outside of at the door, when Young followed him. Young was on the sidewalk when I first saw them. I heard the noise be- the east side; did not see where deceased certainly sat. fore I saw them. They appeared to be three, one in the middle holding the others. I could not see whether the middle one had hold of the others. They appeared so. The latter one on breaking away ran angling across the street, first one way and then the other. He fell on the first crossing. The other, Young, made a terrible blow at him. Couldn't tell whether he struck him, (dec'd.) or not. Heard no sound of a blow. The deceased or rationally sat, as he was on his feet when I first saw him; the door was about to close after Phillips, when Young started; witness sat nearly opposite the desk, near the front of the seots, facing the congregation; deceased walked lightly, Young walked heavily.

Cross-examined—Can't tell exactly how the church stands; it is a large church; there are four rows of seats; side] of Washington street—near Drake's hotel. Could not tell whether there were other than the lamp posts on the street. When deceased started to run, he run towards Brown-hind Mr. Young; deceased was near to the door, when street. When decessed started to run, he run towards Browning's (in a S. E. direction) on the street, about one-third the way across, or half way from the curb of the sidewalk to the McAdamized curb. Was told that Young was the person who chased deceased. Young was after deceased, and the latter was in the act of rising, when Young struck at him. Witness first heard the noise when near Browning's Was not probably more than 10 or 15 feet west of B.'s hotel when he first heard the distribunce. Was not over 8 to 15 feet from where dec'd last fell. Saw him fall first on the McAdamized part of the street. Suppose he ran 60 feet before he fell the second time. Thinks Bishop was rear half way from the place where the affray first commenced to where deceased was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young started; witness was near to the door, when Young saw deceased when in his seat, and when returing; knows deceased by sight 5 or 6 years; have known Mr. Young some time, but has no acquaintance with either; deceased and defendant were all she saw get up and leave the church so near together; don't know of any other people who left on that evening; it was a common occurrence for persons to leave; there was a pretty good congregation present but not crowded; don't think any one left after deceased and defendant; can't say whether Young saw Phillips go out on the McAdamized part of the street. Suppose he ran 60 feet before he fell the second time. Tonks Bishop was after deceased and defendant wer right of the slaveholding States to take care of their witness made an off-hand diagram, which he explained to the jury, &c. Most of the questions being out repetitions of former ones, and the witness being pretty tonguey, a few maswers are omitted.] Witness had helped to open the clothes of deceased after he had fallen. Went for a physi-

"The decision by the Court in reference to Gen. Hanna was on the ground that he admitted that he was biassed or prejudiced, inasmuch as he there declared that "he was always opposed to this kniving." A few remarks were made by counsel on either side; and the decision of the Court, (we think) met the approbation of all.

board. Don't know the difference between the sound of a whire pine board and one of any other kind of timber. It is my opinion only that it was pine from its sound. Thinks it must have been a board that fell. First attention was attracted by the noise as of dry goods boxes rathing, but heard no blow struck. Can't tell whether it was east or west of the lamp post; am not able to say how far, but i might have been within ten feet. It oppeared that Bi-hop had each of the parties in hand. Deceased was exciting himself to get away; I judged of this from the positions the parties were afterwards in. I suppose the parties were 20 or 25 yards from me when I first saw them. Witnesdid not know the width of the street, or probably he could

Empannelling the Jury—The morning was spent in empannelling a jury, and then the Court adjourned, on motion of defendant's counsel, at half past 11 o'clock, till 2 o'clock, edge of the sidewalk, but could not recognize them. Knows P. M., the jury not having been completed. Bishop and the others only by the position in which he found them afterwards. When witness first heard the scuffle, thinks he heard some one say, "Hold on to that," or "stop that." The parties appeared to be in Bishop's clutch when they started to run. Was running towards them when I saw the pass, and supposing they were in p'ay, instead of fighting, I halted, as I did not wish to make a laughing stock of myself. Did not wish to do so, because they would have laughed at me, if in play only. The halt was but for a momen as the whole transaction was quickly over. Suppose the deceased ran some 20 yards, and fell towards the west on his face. Deceased recovered himself as soon as possible-was a trifle west of where he started from. Saw the pass made overhand, but heard no blow. It appeared to witness that the blow was aimed at the left side. He ran as fast after he got up after the first fall as before, until he neared the sidewalk, when he fell. From the nature of the case, look-

> 2 o'clock, P. M. Court met pursuant to adjournment. One of the jurors being suddenly taken ill, the Court adjourned till to-morriw

ed at the parties all the time.

FRIDAY MORNING, Nov. 9. Court met pursuant to adjournment; proceedings read

Pending the cross-examination, it being noon, the Court then adjourned till 2 o'clock, P. M. morning at 9 o'clock. one who gave the blow, started in pursuit, Bishop apparently holding on to him; I partially lost sight of them at the instant, my attention being directed to deceased when running. I passed to the sign post, and could see the man who first run, making towards Morrison & Talboit's bookstore, when he fell. Saw Bishop and Young; and approved.

Robert Ware re-called .- Cross-examination resumed. Counsel requested witness to explain to him the ground noticed by him yesterday, when on the street. Witness refused; gave his reasons; paced the ground and found it to be 45 to 47 yards; the street was wider than he had supposed; made a difference of about one half by measurement; was nearly opposite the lamp post as he re-collects when first the deceased fell; the light was not overly bright nor overly dim; did not notice the opposit lamp particularly; paid no attention to it; it was light enough to distinguish persons on the opposite side could discern persons distinctly south from where stood; was standing near the gutter; can't say how far I could see persons east or west; distance east and west between the lamp posts probably 60 or 75 feet or therea-bouts; when Phillips first fell, he fell east of the lamp post opposite of Drake's Hotel; suppose it was about 15 to 25 feet east; when deceased started first to run, he ran in a south-easterly direction; the place where he fell would not vary over ten feet from the lamp post,-was probably east of it; has paid no particular attention to post when he fell; The two men, Bishop and Young, afthe ground since the transaction; at the best of his recollection, they were east of the lamp post at Drake's don't recollect the character of the night, but in runs in a S. W. direction out of the oblique light; My sight is not as good as it has been; The board in question was his mind that it was a kind of hazy moon-light night; streets were considerable dusty; a stir would raise considerable dust; recollects considerable dust being raised when deceased fell; could not tell whether the man wh chased deceased jumped over or run around him; could tell whether the man had his face or back to him; he made the blow; at the time the thrust was made, deceased fell towards the west; blow appeared to be aimed at the central part of the body, but could not tell whether i hit him; was standing 20 or 26 yards from where the deceased feri and the pass was then made; looked at the had confined him; From the place where the board lay person, but did not look at his head distinctly nor his feet distinctiv; there was sufficient light to see a man's arated under the lamp post; From box to lamp post, is head or his legs; could have seen deceased had he turned round; decased was only on the ground long enough to gather himself up; thinks he raised himself on the same ground on which he fell; he ran just as fast after he raised at the beginning as before he tell, say 15 or 20 yards; can't tell whether he ran straight or bent; he walked just before he fell; thinks he did not go on all of the persons from the other at the distance I stood; knew Bishop by the position of the parties: there was nothing to prevent the one who made the pass from re-treating, it he wished to; did not see any knife; it would be owing to the particular position in which

Direct resumed-Follows the boot and shoe business

knife was held, whether I could see it; I did not see

one; saw, when deceased commenced running, the one

were several persons around when he fell; was watch-

did not take the person before that; judged from the

alley at Browning's; deceased first fell west of the alley

Mrs. Elizabeth Cooper-Was not acquainted with Israel Phillips, deceased; knew him by sight; knew Mr. Young by sight; recollects the night of the occurrence. but not the date; saw the parties at Roberts chapel; saw defendant get up and follow deceased out of church; de because the preacher had spoken that evening on the

whether he struck him, (dee'd) or not. Heard no sound of a blow. The deceased arose, or attempted to do so, and Young was close after him. The Marshal took Young.

The men when I first saw them were on this [the north] the north Young—two or three seats; deceased was in the centre. menced to where deceased was when he got up the first time. Young left for the side walk after he made his first pass; and when deceased got up and ran again, Young started after him, apparently to head him or cut him off; but just before he reached him, deceased fell a second time. Several then came about, some from Browning's hotel, which rendered it difficult to designate particulars. Did not see any knives or other weapons. [Questions were here church, nor when Phillips came; don't know which multiplied rapidly, and at the suggestion of the Prosecutor. came first; never spoke to either of them in my life.

John Wilkins-absent and attachment issued.

Adjourned to two o'clock 2 o'clock, P. M.

cian. Was gone not above three minutes. On his return, found deceased in his last gasp. Deceased said nothing, but made a kind of a groan. He fell in a heap, as it were, but immediately straightened out. immediately straightened out.

Cross-Examined.—First heard the disturbance about 9 P.

M. as near as he could judge. The Post Office was closed.
Did not know either of the parties personally, or by sight.
Knew Bishop, the Marshal, by sight and by uame. I was just above Biowning's when I first saw them. They were then on the edge (outer) of the side walk. Heard a board fall; supposed from the sound that it was a white pine [Volume 1X::::::Number 24.

one wound on the left side; saw when the doctors examined, that the knile had entered the heart.

Cross-examined-Thinks that there were three or four marks of a knife on the board. They, the marks looked fresh. The board was then not as dry as now. The board was then heavier than now There were no simi-lar marks on the other side. Deft. had his arm hurt, and thinks it was done by a nail in the board. On the night of the inquest saw the wound on defendant's arm. Not a bad looking one, but defendant appeared to be in a great deal of pain. It appeared to be on the inside of the arm. Did no examine his arm, and did not know of any bruises. Thinks he could knock a man or a hog cold, in his ordinary strength, with the board. The size of Deceased when in health, was a moderate sized young man, but he had been in ill health sometime. Suppose there might have been 20 or 30 lbs difference in weight of the two. Suppose deceased would have weighed about 125 to 150 lbs at his death. He was a man built for strength, well put together. Thinks Young not so stout now as at the time of the transaction. Got the knife from Mr. Bishop, then marshal of the city. Bishop wanted to keep the knife, but on Mothershead telling him, he gave it up.

Direct resumed.—Mr. Bishop had not Mr. Young then

in custody, but had locked him up.
M. M. Ray.—(Occupied Drake's Tavern;) Thinks the

transaction occurred on the 19th of March last, immediately in front of Drake's hotel; Was standing in the S. E. room, writing; Heard the noise outside as of persons engaged. Stepping to the door, saw two men engaged, not more than 2 or 3 feet from the sign post; One had a board striking at the other, the latter giving back, till he came under the lamp post, some 15 leet; Asked what was the matter; Then a man jumped between them; Heard exclamation—"don't strike with a board," when the board dropped; Saw defendant make a motion to strike; He was in striking distance-say two feet; When deceased dropped the board, defendant made the motion to strike, and deceased then broke loose and ran; The and when I got to where deceased fell, there were a half a dozen present; Bishop called for a doctor, and witness called for a light; Saw the man was dying; Told his (witness's) son to raise and hold his head, to keep the blood from running to his throat and head; The one who run first was the one who had the board: From the time he rose the first time, I saw him till he fell; Could not see distinctly. Could not see thus, because of the situation of the lamp-The obliquity of the light was in a S. E. direction; Deceased fell on the S. W. side of the rays of the lamp shining from the hall; Thinks two were by when deceased got up. Saw no difficulty at the time. Thinks Young was on the W. Side of the lamp post and deceased on the east, and Bishop between them; Deceased run a little east of south in crossing the street before he fell; Must have been 30 feet east of the lamp no bustle or confusion where he fell; Deceased fell in placed under the spout of the Drake House-placed there by myself or Mr. Hall; There was a box near Fletcher's; It was 13 feet from this board; Found the board near the horse block, and found a hat near Fletcher's; Boy took the hat and carried it into Davis's confectionery; Did not know whose hat it was; After they left, thinks he had conversation with Bishop, and learned that he had arrested Young, and taken the knife away from him; This was not over two feet from where deceased laid; Was told that Young was burt, and went to see him where Bishop was towards the sign post, say 20 feet; They were sepa S. W. direction, some 23 or 25 feet; Discovered no blood where deceased fell the first time myself. Heard others speak of it, but can't recollect who; There was blood where he fell last; The blood was running into his clothes; Supposing he might be smothered by it, directed his head to be raised.

Cross-czamined-The light was probably a candle, and if it was, it must have been dim; Had a light on the west side of the tavern hall, about 20 feet from the door; Could see in its rays; There were brilliant lights in the Hall and bar room; First heard a scuffling, and supposed it was caused by the boys and negroes,—Heard no sound of blows; Scuffle appeared to be pretty rapid; Lamp post is between 15 or 20 feet from where I first saw them; Deceased was on the east; Young was on the west side; Deceased was advancing and striking with the board and the other retreating; Saw Bishop jump between them, when Young was 2 or 3 feet west of the lamp post and deceased about under it; The distance between the par-ties was not over 2 feet when Bishop interfered; Young was in striking distance all the time. Witness saw them until the board was dropped; The time was very short, Deceased struck with the flat of the board in both hands; Thinks Bishop caught both at the same time; Thinks defendant retreated till the board was dropped, when he advanced and made the lunge; Thinks Bishop had hold of both of them, when the lunge was made. Bishop seemed determined to hold them both; Heard the words, "don't strike with a board" or "with a plank" Could see distinctly when the board fell to the pavement; Deceased did'nt turn to run till the other struck at him; There was that peculiarity in the speed with which he ran away, so suddenly, that I thought there was something serious in it; The blow seemed to me to have been given at that time, and simed at the place where it was found deceased had been wounded; If the blow given by Young reached Phillips, it would have stricken him where he was

cut; Defendant was in striking distance. Is satisfied that defendant could have reached deceased with the knife; Did not see a knife; but saw the blow; Could not see anything to have prevented him from reaching deceased; Phillips started instantly and ran after the blow, and ran in a horrid and unnatural manner; Phillips started to run near the lump post; Thinks they all passed round the post; Thinks he fell S. or S. W. out of the track of the blique light-Fell about the centre of the McAdamized part of the street; The manner in which he can and fell led me to soppose that he was injured; thinks he fell across the street but could not tell which way his head was; Witness's impressions were that Young had hold of Bishop and was dragging him after deceased, Bishop trying to keep them apart; While on the sidewalk, Bishop had hold of Young or they were hold of each other; Could not say whether they remained so after leaving my sight. Could not say who was there first, but impressed that both were there; Thinks the night was cloudy; Could not say whether deceased ever got up erect after first fall; I could not see distinctly; Don't know if de-ceased had on his hat when he fell; Could not tell whether either had hets off or on when he first saw them; I could not, myself, as my sight fails me, recognize individuals at 20 feet distance; Suppose the distance from my lamp post to 10 feet east of Brownings hotel would be 150 feet; The streets were dusty and the man made his impression in the dust; Thinks deceased fell towards the

Direct Resumed-When they passed round the sign post, I think Young was trying to drag Bishop after de-

Cross-examined-Thinks the board was heavier then than now; It had been wet the last rain; Supposes he could fracture a skull with it; It would be more danger-

Direct-When the thrust was given, I was standing about 18 feet distant; Saw no knife; Thinks deceased tell across the street, but cannot speak of it with certainty; Have no other reasons for my opinion as to talling, except the direction deceased was running; (The blow was described as a thrust.) They were standing not more than two feet apart, and were faring each other; Bishop low, but between them, apparently to keep them from fighting.

N. B. McCormick-Was acquainted with deceased and defendant; Was acquainted with Young about three years or longer. There was a difficulty occurred between de-ceased and defendant probably in January, previous; De-fendant said, as a threat, about last January, that if they, the deceased and detendant ever came together, he would ruin him; Don't think hostility existed between them long before their quarrel in January; The quarrel was in the shop where Young worked; Phillips came in, and said that Young had been talking about him, or something to that effect; and that if he did not take it back, he would whip him; Don't recollect all that passed; It was probably the next day after the quarrel that he made the threat; Don't know certain that I have ever seen the knife-the blade; Have seen it in Young's pocket. (It

is in a sheath.) Don't recollect ever seeing the knife.

Cross-examined—It was before the quarrel that I saw
the knife; When Phillips came into the shop he approached Young and threatened to whip him if he did
not take back what he asserted he had said; Phillips threatened Young then and there; This is his impression, but can't say positive; Saw Phillips on the evening of the murder, and asked him to go to church; He did not go; Saw Young there; Can't say at what time; Phillips said he had been to church and did n't want to go back.

I went to church, but don't recollect whether I remained till the close or not. Was under the impression that he afterwards saw deceased in church, but might have been mistaken; Have been under the impression that I saw Phillips there ever since the night of the murder; Am not certain that I saw him at church; Don't recollect wheth-

er I left church before it closed or not. If I saw him, I thought he sat near the door on the west side.

Direct Resumed—Don't recollect whether he saw either deceased or defendant leave the church. Was in bed in

Ray's tavern when the fight took place.

Cross-examined—Thinks if it was Phillips in the church—he was sitting in the 2d tier of sents. Young was farther east. Don't recollect of seeing Young going out. Heard Phillips say if Young ever drawed a knife on him, he would kill him if he could.

The Court adjourned. SATURDAY, Nov. 10. J. M. Sharpe. - Was present on the night of the murder, after a crowd had collected and a light brought. Commenced opening the clothes of deceased. Made a call for a physician. Opened his vest and shirt bosom-his coat was open. Mr. Ray's son was holding his head when I got there. Saw no one touch him before myself. The wound was on the left side. Deceased had on an undershirt. Don't know who went for a physician. One came in a very short time. Saw nothing which occurred previously. Was not on the street till I heard in the house that a man was killed. Did not find any weapons on deceased.

Cross-Examined .- Bishop's son came in to Garner's, where was, and said a mon had been killed on the street. [Here follows the testimony of the physicians, Doctors Gail, Mother-head, Ramsey and Hunt, which being from its nature merely technicals, we omit. The testimony generally went to show that Phillips had died of the wound received. That it was possible for deceased to have received the fatal blow, in either the positions described by Ware or Ray, in their testimony. Dr. Motherhead's testimony, however, embraced rather more. He testified in reply to questions, as to the particular position of the deceased in every osition assumed by the witnesses, and as to how the fatal blow might have been given in either. He was also questioned and testified that on examining his books, he found that he had vi-ited deceased daily for eight days, up to the Thursday preceding his death. That he had a complaint of the lungs. That when he found him better on the Thursday preceding his death, he was convalescent, but very weak,

O. H P. Bly, called and sworn. Was acquainted with deceased and defendant. On or about three weeks before the murder, I was sitting on a store box, near Mansur's store. Defendant was also there. While there, deceased approached, and passed on. Young, (deft.) arose, apparently under excitement, looking pale and trembling; and after deceased had passed, remarked, "If Phillips ever jumps on me, I will cut his blamed melt out." Knows nothing further, or of any ill feeling existing between the parties.

James F. Kittleman.—Was acquainted with deceased and

endant. Don't distinctly recollect of any threats - but thinks he heard Young say that if deceased ever jumped on him, he (deft.) would help himself. Knew only from hearsay that a feud existed between them.

Cross examined - Deceased was the largest - weighed probably 155 or 160 lbs.—was stout and muscular. Thinks defendant weighed about 123 lbs. He was lightly made. In ordinary health, deceased would weigh some 30 lbs. more than defendant. Never heard deceased make any threats. John W. Kittleman .- Was acquainted with deceased and defendant. Did not know of any feud between them. Heard

no threats of one against the other.

Wm. W. Kittleman. - Was acquainted with deceased and defendant. Has heard threats made by defendant against deceased. Heard him say that "he would never lay his hand in the way of Phillips, but if he, Phillips, should ever cross him, (deft.) he, (deft.) would ruin him (Phillips) with a knife." This might have been three or four weeks previous to Phillip's death.

Cross-examined.—Heard Phillips say that " if Young hit him, he would never hit another man." Thinks it was about a week before deceased was killed, that he made the expres-

Direct.—Never told Young what Phillips had said.

James R. Knowland.—Knew the parties. Never heard ther threaten the other.

Mrs. Frances Phillips.—The health of Israel was bad, and he had been confined to his 100m for two weeks, and to his bed nine days. Was able to be out of the house three days. Had been up in the house four or five days. Disease was fever, as the doctor said. The difference of his health was a great deal. Deceased was a great deal weaker and educed in flesh very much. Could hardly tell how much he was reduced in weight.

Milton Sulgrove .- First saw one man strike another with board. Left because he did not like to go where men were fighting. Heard a board fall. Saw a man running towards Browning's. Saw him fall. He fell about the middle of the street. Saw one man running after him. Witness turned away. The man following the one who fell was, as witness described, some 12 feet from deceased when he fell. The man feli on his hands and knees and I turned away. Saw only one running towards the man who fell. Did not see the beginning of the affray. Witness was on the north side the street near Talbott's Jewelry store. When I saw them, I looked towards the southerly side of the street. Looked in a southwest direction (as described by points named to witness.) The man chasing was then near the one who fell. When witness went up to where deceased had fatien, there were probably a dozen present. When he first saw the fight, there were but two. Witness turned, and on looking back saw the man run till he fell. Did not see any person go to him when he first fell. The person who approached the fallen man was running direct towards Phillips. When I first saw the difficulty, I was approaching them on my way. P. fell with his head towards Browning's tavein, diagonally across. Knowa Bishop. Didn't see him till be crossed the street. First saw the man start to run from about the lamp post at Drake's towards Browning's. The man who followed went in the same direction. Did not ee the man who followed to know him afterwards.

The testimony for the prosecution here closed, and the Court adjourned till Monday morning, 9 o'clock.

MONDAY MORNING.

THE PERSON NAMED IN COLUMN WITNESSES FOR THE DEFENCE. John Bishop .- (Called to make a general statement.) Saw the occurrence which took place between Young and de-ceased. It was about the 19th of March last, about nine o'clock, P. M. The night was very dark. Witness had been in to Mr. Garner's to get a bottle of Cronk's beer, which his little son had come after for his mo her. When he obtained it, he gave it to Lewis, his boy, and followed him out. Lewis put the bottle in his pocket; but witness told him to take it out, as he might fall and break it. Witness, as mar-shal of the city, stood on the steps listening to ascertain if there was any noise abroad. Heard nothing just then; but shortly heard some one remark, " You will, will you? Supposed at the moment that it was boys playing. On turn-ing his attention in the direction of the sound, saw one of them step out and gather up a board. Suppose the board present to be the one from its appearance. [This board measures two feet ten inches in length, ten inches in width, and one inch thick. It is pine.] The person who caught the board returned east towards the other, and commenced striking, and the other retreated. Wirness jumped between them, and said, " hold on," Witness grabbed Young by the breast, and attempted to grab de-ceased. Not getting a good hold, deceased turned suddenly and escaped to run. Witness called after him to "hold on, as he would arrest him any how." In following after deceased, Young being still in witness's grasp, observed the knife. Witness immediately seized Young by the arm, and took the knife from him On approaching deceased, who had fallen, he, (dec'd) said, 'Bishop, he has killed me." Witness replied, "My God, Phillips, where did he cut you?" The only and first person I sow about deceased after he fell the second time, was Silas Shoemaker. Witness called for a octor. Some one remarked," who killed him ?" Witness replied, " No matter, I have the man." When witness wift Young approached deceased, Young remarked that " if I had not killed him, he would have killed me." [This answer, brought out by a question which will suggest itself, was ruled by the Court not to be legitimate evidence, inasmuch as any assertion made after the decease, could not be admissible. Some arguments were made by defendant's convet, but the Court adhered to its decision. We have not time to give this part of the subject a full report.] The clothing store of Mr. Hall then adj med the Drake house. Witness thicks the water spout, form which the board was taken, was between Fletchet's and Hall's stores. Deceased first got the board and then commenced striking. Thought first that it was boys in play. They were at the time 40 feet cast of where I stood. The night was dark. Here witness cescribed the manner of striking-b inging the board up with bo h hands in front of his face, a little on one side. The one who got the board turned west some steps, stooped and picked the board up. I saw him stoop and take it up, because the light shone on his back when he did so. The one who had not the tourd held up his hands and backed. It was Young who backed, -backed about 30 feet before I got between them. When I got between them, they were near the lamp post. The lamp post stood east of sign post about 12 feet. Garner's, where I first stood, was west. I grabbed Young by the breast, and endeavored to grab deceased. Could not keep my hold of deceased, as he gave a sudden twitch over, and jerked away. When he commenced running, I said "hold on." Had Young fast by the breast then. Grabbed Phillips after I had Young. Before Phillips got away. Young said, "Calch him, Bishop, he is trying to kill me." The expression was made before Phillips dropped the board. I was struck on the cibow with the board when I got between them, endeavoring to fend off the licks. Young was backing as fast as he could for a man who was running backwards in the dark. Witness held up his arm to ward off the blow from the board, and it struck him on the elbow, and flew out of deceased's hands, when he

made the grab, and he twitched away. The parties, after they first commenced, as I saw, backed towards the edge of the sidewalk. The dust stose when Phillips fell. Young was not out of my hands till I left him in Davis's Confec-tionery and sent for a doctor. When some one asked, I said I had got the man who killed him. Gave Young in charge to Nicholas Wood and another. Took the knife from Young in the gutter, 20 feet from where Phillips fell. Started with Young when Phillips run, and called after P. to hold on, as I would arrest him any how. Did not know then that he was hurt: He fell. Could see him shead; and he was on all fours staggering towards the bookstore, when he called to witness that he was killed. Thinks Shoemaker caught him by the head when he fell. Mr. Young was not in striking distance when he fell-it was done on the sidewalk, [alluding to the stabbing.] (Witness described the distance when he was between them, as about 5 feet.) Defendant could not have stabled deceased when in Washington street, because witness had the knife in his pocket. Witness recognizes the knife. Young, when I first interfered, was trembling like a leaf. He was alarmed, probably, because he had killed the deceased. He also appeared alarmed when deceased was striking at him with the board, as any man would be